

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 441

Introduced by Senators Torlakson and Kuehl

February 21, 2007

An act to add Section 11005.4 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 441, as amended, Torlakson. State property: vending machines.

Existing law regulates various aspects of the provision of food and beverages in vending machines, including access to carbonated beverages at schools, the giving of priority to blind persons with respect to the operation of vending facilities on state property, the sanitation of vending machines and requiring public health permits, and the placement of vending machines in safety roadside rests on the state highway system.

This bill would require each vendor that operates or maintains vending machines on designated state property to satisfy a specified phased-in requirement that at least 25% of the food and beverages offered in the vending machine meet accepted nutritional guidelines, as defined, by December 31, 2008, and 50% by December 31, 2009, or under specified conditions, by December 31, 2011, and to ~~provide to users, upon request,~~ *attach to the exterior of the vending machine* information about the nutritional value of food and beverages offered in the vending machine and procedures for requesting a change in vending machine offerings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11005.4 is added to the Government
2 Code, to read:
- 3 11005.4. (a) For purposes of this section, the following terms
4 have the following meanings:
- 5 (1) ~~“Accepted—~~*“Foods and beverages meeting accepted*
6 *nutritional guidelines”* as used in this section means the following:
- 7 (A) Beverages that are the following or meet the following
8 standards:
- 9 (i) Water.
- 10 (ii) Milk, including, but not limited to, chocolate milk, soy milk,
11 rice milk, and other similar dairy or nondairy milk.
- 12 (iii) Electrolyte replacement beverages that do not contain more
13 than 42 grams of added sweetener per 20-ounce serving.
- 14 (iv) One hundred percent fruit juice.
- 15 (v) Fruit-based drinks that are composed of no less than 50
16 percent fruit juice and that have no added sweeteners.
- 17 (B) Food that meets the following standards:
- 18 (i) Not more than 35 percent of its total calories are from fat.
19 This clause does not apply to nuts or seeds.
- 20 (ii) Not more than 10 percent of its total calories are from
21 saturated fats.
- 22 (iii) Not more than 35 percent of its total weight is from sugar.
23 This clause does not apply to fruits and vegetables.
- 24 (2) “Added sweetener” means any additive that enhances the
25 sweetness of a beverage, including, but not limited to, added sugar,
26 but does not include the natural sugar or sugars that are contained
27 within the fruit juice that is a component of the beverage.
- 28 (3) “State property” as used in this section means all real
29 property, or part thereof, used for state purposes and either owned,
30 leased, rented, or otherwise controlled by, and occupied by, any
31 state agency.
- 32 (4) “Vending machine” means any mechanical device the
33 operation of which depends upon the insertion of a coin or other
34 thing representative of value and that dispenses or vends a food
35 product or beverage, *but does not include any machine that is*
36 *unable to dispense any food or beverage meeting accepted*
37 *nutritional guidelines without physical alteration.*

1 (b) Each vendor that operates or maintains a vending machine
2 on state property shall do both of the following:

3 (1) (A) Satisfy the requirement that at least 50 percent of the
4 food and 50 percent of the beverages offered in its vending
5 machines on state property meet accepted nutritional guidelines.

6 (B) The requirement described in subparagraph (A) may be
7 phased in so that 25 percent of items meet accepted nutritional
8 guidelines by December 31, 2008, and that 50 percent of total
9 items offered in vending machines meet specified nutritional
10 standards by December 31, 2009.

11 ~~(C) The phase-in period described in subparagraph (B) may be~~
12 ~~extended until December 31, 2011, if both of the following~~

13 *(c) Each vendor that offers at least 25 percent of items that meet*
14 *accepted nutritional guidelines by December 31, 2008, may satisfy*
15 *the requirement described in subparagraph (A) by December 31,*
16 *2011, if both of the following conditions are met:*

17 (i) No earlier than July 1, 2009, and no later than December 31,
18 2009, the vendor conducts, and submits to the contracting entity,
19 a survey of consumers who work in or visit the property on which
20 a vending machine or machines is located.

21 (ii) A majority of respondents to the survey indicate that they
22 would prefer that less than 50 percent of the food and beverages
23 offered in the vending machine or machines meet accepted
24 nutritional guidelines.

25 ~~(2) Provide to users, upon request, Attach to the exterior of the~~
26 ~~vending machine information about the nutritional value of food~~
27 ~~and beverages offered in the vending machine and procedures for~~
28 ~~requesting a change in vending machine offerings. Attaching this~~
29 ~~information to the exterior of the vending machine shall be deemed~~
30 ~~to satisfy the requirements of this paragraph. machine offerings.~~